

Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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July 26, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **PETITION NO. 809** - Extenet Systems, Inc. petition for a declaratory ruling that the Connecticut Siting Council does not have jurisdiction or, in the alternative, that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction of a Distributed Antenna System along the Merritt Parkway from the New York state line to Westport, Connecticut. **Extending Pre-file Deadline to August 3, 2007.**

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At a pre-hearing conference held July 23, 2007, at the Connecticut Siting Council's (Council) office and via conference call, the Council requested that the following format be used for the public hearing scheduled on Wednesday, August 8, 2007.

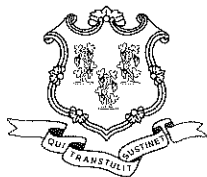
1. Before August 3, 2007, all parties and intervenors are encouraged to exchange and respond to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
2. All parties who wish to file briefs with the Council responding to Attorney Kohler's, representing Extenet Systems, Inc., assertion that the Council lacks jurisdiction as the question is particularly set forth in Petition 809, should do so on or before August 3, 2007. The briefs shall be electronically filed by 12:00 p.m. on August 3, 2007 as well as mailed by the close of the day.
3. At the 3:00 p.m. August 8, 2007 hearing session, all parties and intervenors will first have the opportunity to summarize their arguments with regard to Extenet's contention that the Council does not have jurisdiction over the proposed project. Parties with similar arguments might choose, for clarity and brevity, to select a single spokesperson to speak before the Council regarding jurisdiction. Please note that at the Chairman's discretion, Assistant Attorney General Marconi will withhold comment at that time.
4. Upon completion of oral arguments, the Council will proceed with the contested case proceeding. The contested case proceeding will provide the applicant, parties, and intervenors an opportunity to present exhibits and witnesses, and cross-examine positions. The applicant will be allowed to present its exhibits and witness panel,

and then be subject to cross-examination by all parties and intervenors in the order that they were made parties and intervenors. All parties and intervenors will then be allowed to present their exhibits and witness panels in the order in which they were made parties and intervenors, and be subject to cross-examination by the applicant and all other parties and intervenors. The applicant will be allowed a final rebuttal. Arguments will be entertained in writing after the close of the last hearing session.

5. The 7:00 p.m. hearing session will be first reserved for the public to make brief statements into the record. Prior to public statements, Extenet is requested to conduct a slide show presentation of the proposed project.
6. If time remains, the 7:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to complete their presentation and cross-examination.
7. The Council requests that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by August 1, 2007. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
8. The Council will provide an opportunity for public officials to make a statement.
9. No repetition of facts will be allowed.
10. A verbatim transcript of the hearing sessions will be made and deposited with the Town/City Clerk's Office of the Greenwich, Stamford, New Canaan, Norwalk and Westport Town/City Halls for the convenience of the public.
11. Parties and intervenors will be allowed to submit briefs and proposed findings of facts within 30 days after the close of the hearing.
12. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
13. Deadlines for briefs, proposed findings of fact, and public statements should be considered final and extensions will not be automatically granted.
14. The Council may, at its discretion, provide for the grouping of parties and intervenors with the same interests.
15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
16. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before August 1, 2007.

17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.
18. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.
19. All participants are requested to place nameplates on the table in front of each witness at the hearing.
20. A public field review will be held to review portions of the proposed Distributed Antenna System on Wednesday, August 8, 2007, beginning at 2:00 p.m. Interested parties should meet at the Merritt Parkway Exit 41 Park and Ride Lot at 2:00 p.m. for the field review. The Council will issue a field review notice prior to the hearing.

Enclosure: Administrative Notice List



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### Administrative Notice List

#### Petition No. 809

1. OET Bulletin No. 56, Questions and Answers About Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1999.
2. OET Bulletin No. 65, Evaluating Compliance with FCC-Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Federal Communications Commission, Office of Engineering and Technology, August 1997.
3. ANSI Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz, Revision of ANSI C95.1-1982, American National Standards Institute, November 18, 1992.
4. Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Federal Communications Commission's Report and Order, adopted August 1, 1996.
5. Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, TIA/EIA-222-F, Electronics Industries Association, June 1996.
6. Connecticut Guidelines for Soil Erosion and Sediment Control, May 2002, as amended.
7. Telecommunications Act of 1996.
8. Conservation and Development Policies Plan for Connecticut 2005-2010, adopted by the Connecticut General Assembly, 2005. <http://www.opm.state.ct.us/igp/cdplan/cdplan2.htm>
9. Connecticut Walk Book East, Nineteenth Edition, Connecticut Forest and Park Association, 2005.
10. Connecticut Walk Book West, Nineteenth Edition, Connecticut Forest and Park Association, 2007.
11. Atlas of Connecticut Topographical Maps, State of Connecticut Department of Environmental Protection, Natural Resources Center, DEP Bulletin 17, 1992.
12. Connecticut Department of Transportation Policy Statement for Telecommunications Installations Within the State Highway Right of Way, Policy No. E&H.O.-53, dated August 7, 2006



Affirmative Action / Equal Opportunity Employer

13. Advisory Circular AC 70/7460-1K Obstruction Marking and Lighting, U.S. Department of Transportation, Federal Aviation Administration, August 1, 2000. Website Link: [http://www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameSet](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/MainFrame?OpenFrameSet)
14. Connecticut Siting Council Statewide Plan for Telecommunications Coverage (Public Act 04-226, September 1, 2006). <http://www.ct.gov/csc/cwp/view.asp?a=895&q=246816>
15. Siting Council Illustrated Primer on the Siting of Facilities Within Connecticut and Throughout the Nation  
[http://www.ct.gov/csc/lib/csc/csc\\_book\\_r5a.pdf](http://www.ct.gov/csc/lib/csc/csc_book_r5a.pdf)
16. Connecticut Official State Tourism Map, 2005-2006.
17. Mail-A-Map Street Map, Greenwich, Norwalk, Stamford, New Canaan, Westport/Weston, 2003.
18. Avian Collisions at Communication Towers -- Sources of Information. U.S. Fish and Wildlife Service, Division of Migratory Bird Management.  
<http://www.fws.gov/migratorybirds/issues/towers/towers.htm>
19. Record of Council Petition No. 782.
20. Docket 309, Transcript of November 9, 2006 Hearing.

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Extenet Systems, Inc.	Julie D. Kohler, Esq. Carrie L. Larson, Esq. Cohen & Wolf, P.C. 1115 Broad Street P.O. Box 1821 Bridgeport, CT 06601-1821 (203) 337-4157 (203) 394-9901 fax <a href="mailto:jkohler@cohenandwolf.com">jkohler@cohenandwolf.com</a> <a href="mailto:clarson@cohenandwolf.com">clarson@cohenandwolf.com</a>
<b>Intervenor (granted 05/22/07)</b>	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax <a href="mailto:kbaldwin@rc.com">kbaldwin@rc.com</a>
<b>Intervenor (granted 05/22/07)</b>	Merritt Parkway Conservancy	Merritt Parkway Conservancy c/o Karen Salerno, Executive Director P.O. Box 17072 Stamford, CT 06907 (203) 661-3255 (no fax) <a href="mailto:karensalerno@merrittparkway.org">karensalerno@merrittparkway.org</a>
<b>Intervenor (granted 05/22/07)</b>	Omnipoint Communications, Inc. A subsidiary of T-Mobile USA, Inc.	Diane W. Whitney Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4330 <a href="mailto:dwhitney@pullcom.com">dwhitney@pullcom.com</a>

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<b>Intervenor (granted 05/22/07)</b>	Elizabeth Galt Clifford Berger	Ira W. Bloom, Esq. Wake, See, Dimes, Bryniczka, Day & Bloom 27 Imperial Avenue Westport, CT 06880 (203) 227-9545 (203) 227-2443 fax <a href="mailto:ibloom@wsdb.com">ibloom@wsdb.com</a>
<b>Intervenor (granted 05/22/07)</b>	New Cingular Wireless PCS, LLC d/b/a AT&T	Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-6405 fax <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a>
<b>Intervenor (granted 06/07/07)</b>	National Grid Communications, Inc.	Stephen J. Humes, Esq. McCarter & English, L.L.P. 185 Asylum Street, CityPlace I Hartford, CT 06103 (860) 275-6761 (860) 560-5955 fax <a href="mailto:shumes@mccarter.com">shumes@mccarter.com</a>
<b>Intervenor (if granted 07/26/07)</b>	Sprint Nextel Corporation	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP 185 Asylum Street, CityPlace I Hartford, CT 06103-3402 (860) 509-6500 (860) 509-6501 fax <a href="mailto:tregan@brownrudnick.com">tregan@brownrudnick.com</a>